

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01025
700 "P" Street

DATE: January 25, 2002

PROPOSAL: To vacate a 5' by 30'6" portion of North 7th Street adjacent to the south 37' of Lot 9, Block 22, Original Plat of Lincoln.

LAND AREA: 152.5 square feet, more or less.

CONCLUSION: The vacation conforms to the Comprehensive Plan and is supported by the Public Works & Utilities Department and the Historic Preservation Commission.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
-------------------------------	------------------------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: 5' by 30'6" portion of N. 7th Street adjacent to the south 37' of Lot 9, Block 32, Original Plat of Lincoln located in the SW 1/4 of Section 23 T10N R6E, Lincoln, Lancaster County, Nebraska.

LOCATION: Generally located at N. 7th Street and P Street.

APPLICANT: Gale and Louise Shields
6942 Sumner Street
Lincoln, NE 68506
(402)488-6861

OWNER & CONTACT: Same

SURROUNDING LAND USE AND ZONING:

The subject property is located in the Haymarket Landmark District, a designated landmark district within the B-4 zone (Downtown Business District). West of the site is Lincoln Station, a mixed use commercial building including a restaurant, banquet hall, offices, retail, and Amtrack passenger depot. North and east of the site are commercial buildings including restaurants, a portion of the Empyrean Ale brewery, and Hillis Floral & Catering. South of the site are commercial and human services uses including retail uses in the Creamery, art studios and apartments in Burkholder Project, and the Salvation Army store and rehabilitation facility.

STREET VACATION NO.01025
PAGE 2

HISTORY: This vicinity developed as the railroad and wholesale center of Lincoln following the Lincoln arrival of Burlington & Missouri River Railroad in 1870. A depot was built at 7th and P in 1880 and replaced with the current Lincoln Station in 1927. Haymarket was designated a landmark district in accordance with LMC27.57 in 1982 and the Haymarket Redevelopment Plan was adopted in 1984.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan (1994) encourages the continued redevelopment of Downtown and its districts such as Haymarket as the mixed-use center of the community (pp. 60-2).

UTILITIES: There are no utilities in the area of the proposed vacation.

ANALYSIS:

1. This is a request to vacate a portion of the right of way generally located at 7th and P Streets in order to construct a stairway for an emergency exit from the basement of the building located at 700 P Street.
2. This request is within the Haymarket Historic District. The Historic Preservation Commission conducted a public hearing on January 17, 2002 on the requested vacation of right-of-way, and on a certificate of appropriateness for the proposed staircase and railing to be built in the vacated space. The Commission voted 6-0 to recommend the vacation and to approve the certificate.
3. There is an existing fire escape to the second floor which occupies a portion of the proposed area to be vacated.
4. There are no existing utilities in the right-of-way to be vacated.
5. The Public Works & Utilities Department recommends approval of the vacation since the fire escape and the proposed lower level access impede the use of the right of way for the normal utility and pedestrian uses, however, requires that the sale of the vacated right-of-way will be subject to a condition that the use shall be restricted to prevent enclosed building additions into the vacated area. The certificate of appropriateness approved January 17th by the Historic Preservation Commission is for an open staircase and protective railing, and would not conflict with the restriction recommended by Public Works.

STREET VACATION NO.01025
PAGE 3

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Ed Zimmer
Historic Preservation Planner

F:\FILES\Planning\PC\SAV\01000\sav01025.efz.wpd

Lincoln



Nebraska's Capital City

December 21, 2001

Lincoln City / Lancaster County
Planning Commission
Lincoln, NE 68508


RE: Vacating a 5 Feet by 30 Feet 6 Inch Portion of North 7th Street Adjacent to the South 37 Feet of Lot 9, Block 32, Original Plat of Lincoln

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Gale and Louise Shields, owners of the south 37 feet of Lot 9, Block 32 Original Plat of Lincoln, to vacate the above described public right-of-way. Petitioner requests this vacation to construct a stairway for an emergency exit from the basement of the buildings located at 700 "P" Street.

The building also has an existing fire escape to the second floor which occupies a portion of the proposed area to be vacated. Public Works recommends approval of the vacation since the fire escape and the proposed lower level access impede the use of the right-of-way for the normal utility and pedestrian uses. Engineering Services however, recommends that the sale of the vacated right-of-way restrict the use to prevent enclosed building additions into this area. There are no existing utilities in the right-of-way to be vacated. The vacation contains an area of 152.5 square feet, more or less

Sincerely,



Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Kathleen Sellman
Marc Wullschleger
Roger Figard
Joan Ross
Clint Thomas
Dana Roper
Nicole Fleck-Tooze
J. Michael Rierden

7th & P Vacatdm.wpd

SAV01025

INTEROFFICE MEMORANDUM

TO: Mayor Wesely
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 9, 2002

COPIES TO: Joan Ross
Kathleen Sellman
Dana Roper
Byron Blum

SUBJECT: Vacation of a 5-foot portion of North
7th Street adjacent to the south 37
feet of Lot 9, Block 32, Original Plat
of Lincoln

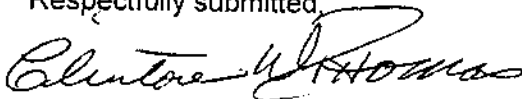
A request has been made to vacate a 5-foot portion of North 7th Street adjacent to the south 37 feet of Lot 9, Block 32, Original Plat of Lincoln adjacent to 700 P Street. The area was viewed and appears as a sidewalk adjacent to the building. The area to be vacated is partially occupied by a fire escape leading from the upper floors of the adjacent building. Public Works has indicated there are no utilities within the area to be vacated, but have asked a building restriction be placed on the land so that no enclosed building addition can be built on the area.

The abutting property is estimated to have a land value in the range of \$7 to \$9 per square foot. The area to be vacated is quite small and has very little value of itself. It's only value is to the abutting property owner. It is expected an adjoining property owner would not be willing to pay much more than 30% of the abutting value to obtain a small parcel such as this. Assuming an adjacent land value of \$8 per square foot, the value of the area to be vacated is estimated at \$2.40 per square foot. The calculated value of the area to be vacated is as follows:

$$152.5 \text{ sq. ft.} \times \$2.40 = \$366$$

Therefore, it is recommended that if the area be vacated it be sold to the abutting land owner for \$366 with the restrictions recommended by Public Works.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

